

No. 12, one from No. 13 and one from No. 14; if from any cause the number of names remaining in said compartments after the drawing for the November term of said courts, be less than one hundred in the aggregate, then in that event the judge or judges of said court shall, before the drawing for the February term of said court, place in said compartments in proper proportion a sufficient number of names as aforesaid to make the aggregate number one hundred.

And the said names so drawn in Baltimore, Frederick, Montgomery and Carroll counties shall be recorded as hereinbefore directed for the other counties, and thereupon the said judges shall forthwith order a *venire facias*, directed to the sheriff of said counties, respectively, commanding them to summon as jurors to attend at the next ensuing term of said courts the several persons whose names may be drawn as aforesaid; if any such persons whose names are so drawn and embraced in said *venire facias* should be dead, sick or otherwise unable to attend, or should be absent and therefore not be found, it shall be the duty of said sheriff forthwith to return the fact of said death, disability or absence, and said judges shall thereupon cause to be drawn from said box in the manner hereinbefore directed other names in the place and stead of the original who may be dead, disabled or absent, and shall cause the name or names of such person or persons so as last aforesaid drawn to be inserted in said *venire facias* to be summoned as aforesaid, and it shall be the duty of the sheriff to summon the persons named in said *venire facias* and make return thereof to the said court at the opening of its session. This section shall not apply to Prince George's county, nor to Dorchester, Wicomico, Anne Arundel, St. Mary's, Caroline, Somerset, Worcester, Garrett, Allegany, Queen Anne's, Talbot or other counties, as to which special provision is made by the local law therefor.

A discrepancy in the middle name of a juror as drawn from the box and as sworn on the panel, there being no mistake as to the identity of the person, is no ground for an arrest of judgment. *Munshower v. State*, 56 Md. 516.

The fact that one of the forty-eight jurors drawn was a non-resident, held not to affect an indictment, the non-resident not being on the grand jury. *State v. Glasgow*, 59 Md. 211.

There is nothing in this section limiting the power of the court to excuse jurors for cause, and select others in their places. *Mills v. State*, 76 Md. 280.

As to how and when the ballots should be prepared, and the presence of the clerk who draws the names for the grand jury box at the writing or folding and depositing of the ballots, see *State v. Keating*, 85 Md. 190.

This section compared with the local law applicable to Prince George's county. *State v. Vincent*, 91 Md. 724. See also, *State v. McNay*, 100 Md. 627.

Cited but not construed in *Cooper v. State*, 64 Md. 45.

See notes to sec. 11.

1904, art. 51, sec. 9. 1888, art. 51, sec. 9. 1867, ch. 329, sec. 4.

9. Immediately after each drawing for jurors as directed in the preceding section and for talesmen as hereinafter directed and without suffering the said ballots remaining in said box to be taken out or in any manner removed therefrom or inspected or examined, or the said box to be looked into or removed from his presence by any person what-